

1 HB441
2 105463-1
3 By Representative Ward
4 RFD: Judiciary
5 First Read: 10-FEB-09

SYNOPSIS: Under existing law, a prisoner is not eligible for parole until he or she has served at least one-third or 10 years of his or her sentence, whichever is less.

This bill would define the terms "parole-consideration term" and "concurrent sentences of imprisonment." This bill would prohibit the granting of parole to a prisoner who is serving a single sentence or concurrent sentences if the prisoner has not served his or her parole-consideration term without a unanimous vote of the board. The bill would provide that a prisoner who is subject to consecutive sentences of imprisonment would be subject to multiple parole-consideration terms and not eligible for parole unless he or she has served each of his or her multiple parole-consideration terms. The bill would provide that each prisoner who has not been granted parole would be subject to the provisions of this bill. This bill would provide that no

1 prisoner would have a right or entitlement to
2 parole.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 To amend Section 15-22-28, Code of Alabama 1975,
9 relating to parole of prisoners; to define the terms
10 "parole-consideration term" and "concurrent sentences of
11 imprisonment"; to prohibit the granting of parole to a
12 prisoner who is serving a single sentence or concurrent
13 sentences if the prisoner has not served his or her
14 parole-consideration term; to provide that a prisoner who is
15 subject to consecutive sentences of imprisonment would be
16 subject to multiple parole-consideration terms and not
17 eligible for parole unless he or she has served each of his or
18 her multiple parole-consideration terms; to provide that each
19 prisoner who has not been granted parole would be subject to
20 the provisions of this bill; and to provide that no prisoner
21 would have a right or entitlement to parole.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act shall be known as the
24 "Parole-consideration Reform Act."

25 Section 2. Section 15-22-28 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§15-22-28.

1 "(a) For purposes of this section, the following
2 words shall have the following meanings:

3 "(1) PAROLE-CONSIDERATION TERM. A specific sentence
4 of imprisonment that shall be one-third of a sentence or a
5 period of 10 years of incarceration, whichever is lesser.

6 "(2) CONCURRENT SENTENCES OF IMPRISONMENT. One
7 sentence of imprisonment with the parole-consideration term
8 being calculated upon the longest of the concurrent sentences.

9 ~~"(a)~~ (b) It shall be the duty of the Board of Pardons
10 and Paroles, upon its own initiative, to make an investigation
11 of any and all prisoners confined in the jails and prisons of
12 the state with a view of determining the feasibility of
13 releasing the prisoners on parole and effecting their
14 reclamation. Reinvestigations shall be made from time to time
15 as the board may determine or as the Board of Corrections may
16 request. The investigations shall include such reports and
17 other information as the board may require from the Board of
18 Corrections or any of its officers, agents or employees.

19 ~~"(b)~~ (c) It shall be the duty of the Board of
20 Corrections to cooperate with the Board of Pardons and Paroles
21 for the purpose of carrying out the provisions of this
22 article.

23 ~~"(c)~~ (d) Temporary leave from prison, including
24 Christmas furloughs, may be granted only by the Commissioner
25 of Corrections to a prisoner for good and sufficient reason
26 and may be granted within or without the state; provided, that
27 Christmas furloughs shall not be granted to any prisoner

1 convicted of drug peddling, child molesting or rape, or to any
2 maximum security prisoner. A permanent, written record of all
3 such temporary leaves, together with the reasons therefor,
4 shall be kept by such commissioner. He shall furnish the
5 Pardon and Parole Board with a record of each such leave
6 granted and the reasons therefor, and the same shall be placed
7 by the board in the prisoner's file.

8 ~~"(d)~~ (e) No prisoner shall be released on parole
9 except by a majority vote of the board, nor unless the board
10 is satisfied that he will be suitably employed in
11 self-sustaining employment or that he will not become a public
12 charge if so released. The board shall not parole any prisoner
13 for employment by any official of the State of Alabama, nor
14 shall any parolee be employed by an official of the State of
15 Alabama and be allowed to remain on parole; provided, however,
16 that this provision shall not apply in the case of a parolee
17 whose employer, at the time of the parolee's original
18 employment, was not a state official.

19 ~~"(e)~~ (f) Notwithstanding any provision of law, the
20 ~~The~~ board shall not grant a parole to any prisoner serving a
21 single sentence or concurrent sentences if that prisoner who
22 has not served at least the parole-consideration term one
23 third or 10 years of his or her sentence, ~~whichever is the~~
24 ~~lesser,~~ except by a unanimous affirmative vote of the board.

25 "(g) Notwithstanding any provision of law, a
26 prisoner subject to consecutive sentences of imprisonment
27 shall be subject to multiple parole-consideration terms. The

1 board may not grant a parole to a prisoner subject to
2 consecutive sentences of imprisonment, and thus to multiple
3 parole-consideration terms, until the prisoner has served each
4 of his or her multiple parole-consideration terms in
5 succession.

6 "(h) If a prisoner is serving a combination of
7 consecutive and concurrent sentences, the board shall consider
8 the concurrent sentences under subsection (f) and the
9 provisions of subsection (g) shall be applicable.

10 "(i) This section shall apply to each prisoner who
11 has not been granted parole from his or her current period of
12 incarceration, regardless of whether the prisoner was
13 previously eligible for parole consideration under the former
14 system of calculation.

15 "(j) No prisoner shall have a right or entitlement
16 to a parole."

17 Section 3. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.